

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brash, Kenneth George)	Title: Fumigation Apparatus
)	
Serial No.: 09/980,676)	Group Art Unit: 3643
)	
Filed: May 9, 2002)	Examiner: John D. Holman

DECLARATION UNDER 37 CFR 1.132

Kenneth George Brash states:

1) I am the inventor for US patent application serial no. 09/980,676 and am a director of Nordiko Quarantine Systems Pty Ltd ("Nordiko"). Nordiko's parent company is Asiaworld Shipping Services Pty Ltd ("Asiaworld" being the assignee of US serial no. 09/980,676; with Nordiko being the licensee of US serial no. 09/980,676). Nordiko is an Australian company whose Internet address is <http://www.nordiko.com.au/>.

2) I have worked in the field of entomology for more than 30 years and in the field of fumigation for more than 10 years. I have the following qualifications:

- High School Teaching Diploma in General Science
- BSc Zoology (Entomology)
- AIM Diploma in Marketing
- Urban and Rural Fumigation Certificate
- Smartrain – Chemical Application Certificate

3) I am a Scientific Member of the Royal Zoological Society of NSW, a member of the Australian Entomological Society, a professional body affiliated to CSIRO (Commonwealth Scientific & Industrial Research Organisation) Entomology, a member of the Entomology Society of America and a member of the Society for Insect Studies. I have been asked to present papers at various scientific based conferences, such as the MBOA (Methyl Bromide Alternatives Outreach) in the IUS, the OEWG (Open Ended Working Group) meeting of the Parties to the Montreal Protocol, the CSIRO Grains Conference, the CSIRO Timber Forum and several others. I have worked with Dr Yonglin Ren, CSIRO, on an experiment into the Methyl Bromide Penetration into Timber Blocks and Sorption and Desorption of Methyl Bromide on Timber Blocks, which although not published yet, is available for study.

4) In the course of that work, I have become very familiar with international fumigation processes and practices. I observe that Nordiko is a recognised world leader in the field of fumigation and has developed a range of apparatus and processes that now find widespread commercial use in Australia, USA, Europe, Chile etc and that are both cost effective and environmentally safe. Further details on Nordiko's activities can be found at its Internet website (*ibid.*).

5) During my time working in the field of entomology and fumigation I have developed considerable knowledge of the various processes, apparatus and practices for fumigating, inter alia, produce in containers, and especially in ISO general purpose shipping containers. For example, I am fully aware of the process and apparatus differences between fixed fumigation installations as opposed to Nordiko's world's best highly mobile and portable apparatus and practices. As a result of my international reputation in entomology and my position and experience in Nordiko, and as a result of Nordiko's dealings with many of the world's largest shipping and produce companies, I have been compelled to become extremely knowledgeable about all aspects of fumigation. In addition, to remain as knowledgeable as possible about developments in this field, I regularly attend international technical conferences and meetings, I subscribe to various journals, and I have and receive regular communications with and from companies operating in the fumigation field. By way of example, this year I will be attending the MBAO Conference (<http://mbao.org/>) in November 08 in Orlando, Florida. Further, Nordiko's technical expertise is used to support the operations of such shipping and produce companies, so that I have as good an up-to-date working knowledge as possible of the industry and the various fumigation processes, apparatus and practices in current use.

6) Nordiko has undertaken significant trial, research and development work within the US, and especially with USDA and USEPA, in the recapture and trapping of toxic fumigants such as methyl bromide (which would otherwise cause substantial deterioration of the ozone layer) in mobile and portable apparatus for fumigating shipping containers. In recognition of this work, on the 19th May 2008, in Washington DC, Nordiko was awarded the 2008 US Environmental Protection Agency's "Climate and Stratospheric Ozone Award" (see <http://www.epa.gov/Ozone/awards/winners.html>). I accepted the award on behalf of Nordiko in the capacity of a Director of Nordiko.

7) This Award was said to recognize Nordiko's exceptional dedication and technical achievements in protecting the earth's stratospheric ozone layer. More specifically, the award was said to recognize Nordiko's innovative Australian-developed fumigation and recapture apparatus and systems, including the apparatus the subject of US patent application serial no. 09/980,676. A copy of the Nordiko's press release which accompanied this award is attached.

8) Nordiko has also been supplying similar fumigation and recapture systems to major European and Australian ports for a number of years.

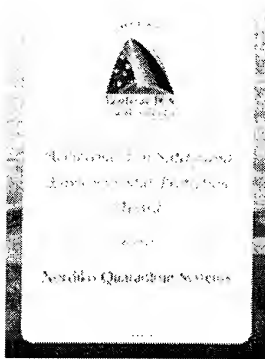
9) The undersigned acknowledges that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or any patent issuing thereon. The undersigned swears that all statements made in this declaration of his own knowledge are true, and that all statements made on information and belief are believed to be true.

Respectfully submitted,


Kenneth George Brash

Date: November 3, 2008

Nordiko Wins 12th Annual Lloyd's List DCN "Achievement in Safety and Environmental Protection" Award



Nordiko is proud to announce that it has won the "Achievement in Safety and Environmental Protection Award" at the 12th Annual Lloyd's List DCN Australian Shipping & Transport Awards, held on Thursday, 29 November 2007, in Sydney.

The Award recognises leadership in creating economic, social and environmental sustainability in individual businesses, the so-called "triple bottom line", which also incorporates environmental safety.

Nordiko won the Award for its work in developing and marketing innovative technology for fumigation and ventilation applications, which result in better environmental and health and safety outcomes.

Nordiko's systems have been adopted in Australia by organisations such as Australian Customs, who ventilate shipping containers, rendering them safe for inspection, and overseas in markets such as Belgium - where it is now mandatory to recapture the main quarantine fumigant methyl bromide, which is a potent ozone-depleting substance.

The environmental and health and safety benefits of container ventilation and fumigant recapture systems are significant. Nordiko has been a pioneer in these applications, and has contributed to better outcomes as a result - both in Australia and increasingly in the international arena as well.

Nordiko Wins Prestigious US EPA Award

- 20 May 2008 ***



US GOVERNMENT RECOGNISES AUSTRALIAN ENVIRONMENTAL LEADERSHIP

Go to EPA website www.epa.gov

Nordiko Quarantine Systems, an Australian company specialising in innovative environmental technology, has won the prestigious US EPA Climate and Stratospheric Ozone Award for 2008.

This Award was established by the US EPA in 1990 acknowledging “exceptional leadership, personal dedication, and technical achievements in protecting the earth’s stratospheric ozone layer”. Nordiko has been recognised for its efforts in reducing the release of ozone-depleting gases, using its range of Australian-developed fumigation and recapture systems, which trap harmful gases that can otherwise erode the ozone layer. Nordiko is the major supplier of this type of equipment to Belgium – the first country on earth to mandate its use.

In addition to its environmental benefits, the Nordiko technology has very significant occupational health and safety advantages, according to Nordiko’s Managing Director, Ken Fitzpatrick.

“By preventing the release of environmentally dangerous and highly toxic gases to areas where shipping containers are handled, this technology allows a much higher level of workplace safety, compared to existing practices”, Fitzpatrick notes.

The Award was presented to Nordiko in Washington DC on the 19th of May 2008, and was accepted by Nordiko’s Technical Director, Ken Brash.

This year, the US EPA also recognised the achievement of the Australian Quarantine & Inspection Service (AQIS), who have been honoured with a Climate and Stratospheric Ozone Award for 2008. Nordiko extends its congratulations to AQIS for its efforts in protecting the earth’s ozone layer that lead to the winning of this Award.